



Dkt. 60623-A/JPW/GJG/DJK

1644 DJK  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Adrian Gilbert, et al.

Serial No. : 09/788,131 Examiner: F. VanderVegt

Filed : February 16, 2001 Group Art Unit: 1644

For : ORAL, NASAL AND PULMONARY DOSAGE FORMULATIONS  
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330.00 DP

1185 Avenue of the Americas  
New York, New York 10036  
September 24, 2004

Mail Stop - AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Examiner mailed March 24, 2004 finally rejecting the pending claims 1, 3-35, 37-43, 50-54 and 61-66 in connection with the above-identified application.

A response to the March 24, 2004 final Office Action was originally due June 24, 2004. On June 22, 2004 applicants filed an Amendment in Response to March 24, 2004 final Office Action. On July 19, 2004, the Examiner issued an Advisory Action maintaining the rejection of claims 1, 3-35, 37-43, 50-54 and 61-66.

On September 24, 2004, applicants are filing a Communication in Response to July 19, 2004 Advisory Action and Petition for Three Months Extension of Time to extend the deadline for reply to the March 24, 2004 final Office Action to September

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24, 2004. Therefore, this Notice of Appeal is being timely filed.

The required fee for filing a Notice of Appeal under 37 C.F.R. §1.17(b) for a large entity is \$330.00 and a check in that amount is enclosed. No other fee is deemed necessary in connection with the filing of this Notice. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Gary J. Gershik 9/24/04*

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